

STATE OF WEST VIRGINIA  
Department of Education  
Dr. Henry R. Marockie  
State Superintendent of Schools



# The West Virginia Schools for the Deaf and the Blind

Established 1870  
301 EAST MAIN STREET  
ROMNEY, WEST VIRGINIA 26757  
Max D. Carpenter, Superintendent  
304-822-4800  
304-558-3848

July 11, 1995

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DOCKET FILE COPY ORIGINAL

The Secretary  
Federal Communications Commission  
191 M Street, N.W., Room 222 - Stop Code =1170  
Washington, DC 20554

Re: Petition for Reconsideration to Assign FM Channel  
to Romney, West Virginia (MM Docket 94-137)

Dear Secretary:

The West Virginia Schools for the Deaf and the Blind, licensee of noncommercial station WJGF(FM) in Romney, West Virginia, hereby petitions for reconsideration of the Report and Order of MM Docket 94-137, which denied our proposal to move WJGF from Channel 201A to Channel 281A, because it did not meet the criteria for reserving a channel for noncommercial use.

We feel that sufficient justification existed for moving WJGF to the commercial band, because of actual interference now caused by WJGF to TV Channel 6 station WJAC-TV, Johnstown, Pennsylvania. There are no other channels on the educational band to which WJGF can move. Furthermore, we were not informed by the Commission early in the proceeding that our proposal did not meet the above-mentioned criteria, and thus did not have the opportunity to consent to the assignment as a commercial channel.

Therefore, it is requested that the Commission reconsider their earlier decision, and assign Channel 281A to Romney, West Virginia, and modify the license of WJGF accordingly. If, indeed, the assignment cannot be made on a reserved non-commercial basis, then it is requested that Channel 281A be assigned to Romney as a commercial channel.


In support of our request, attached is a statement from our consulting engineer, B. Benjamin Evans of Evans, Associates, and extensive documentation of interference complaints by viewers of WJAC-TV Channel 6.

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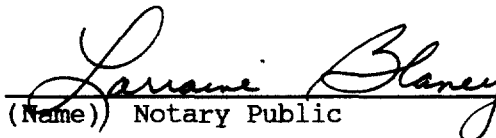
If, at the discretion of the Commission, this proposal requires a new rule making, then it is respectfully requested that the above request be treated as a new petition for rule making to assign Channel 281A to Romney, West Virginia.

It is our intention to apply for a construction permit to operate on Channel 281A, if it is assigned.

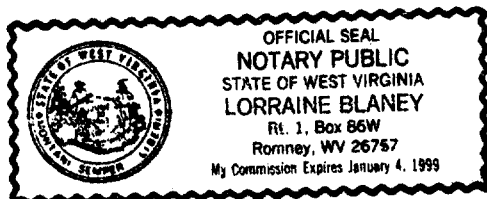
I hereby swear under oath that the foregoing statement and all information attached hereto are true and accurate to the best of my knowledge and belief.

  
Max D. Carpenter, Superintendent  
The West Virginia Schools for the  
Deaf and the Blind  
301 East Main Street  
Romney, West Virginia 26757

-----  
Subscribed and sworn to before me this 11<sup>th</sup> day of July, 1995.

  
(Name) Notary Public

My Commission expires January 4, 1999.



**Documentation of Interference  
WJGF(FM), Romney, WV.  
WV Schools for the Deaf and the Blind  
License File # BLED-930924KA  
Docket # 94-137**

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**TVI COMPLAINTS:**

Aug. 3, 1993            JIM CLARK, MATV system on mountain ridge just west of transmitter on the edge of our 60 dbu contour. TV channel 6 interference. Recommended putting FM traps on antenna system. This took care of the problem and no more reports of interference have been recieved. Phone number 822-7039.

Aug. 24, 1993            NELLIE KUYKENDALL, Located about six miles south of Romney on River Road. Interference to audio portion of TV channel 6 reception. Recommended the installation of a quality FM trap. Her recieving system includes a high gain antenna, booster amplifiers, and long runs of feedline. Located well-outside of our 115 dbu blanketing contour. She said her neighbors were not getting the interference. Phone number 822-3649.

Sept. 27, 1993            DALE VERMILYEN, Grassy Lick Rd., 2.5 miles east of transmitter site. Located inside of our 60 dbu contour, but well-outside of our 115 dbu blanketing contour. Interference to the audio portion of TV channel 6. Recommended the placement of a quality FM trap. This did not help problem, but the antenna system includes a high-gain antenna, booster amplifier, long feedline, and Black & white TV with a mechanical tuner. Phone number 822-7252.

Oct. 8, 1993            MELISSA LEWIS, Sand Hill Rd., 2 miles east of transmitter site. Located inside of our 60 dbu contour, but well-outside of our 115 dbu blanketing contour. Interference to the audio portion of TV channel 6. Recommended the placement of a quality FM trap. This did not help problem, but the antenna system includes a high-gain antenna, booster amplifier, 500 ft. of lead-in, and in-line amps placed in the feedline. Phone number 822-5671.

Mar. 21, 1994            MARY LOU STUMP, HC66, Box 5, Romney, WV. 26757. Located two miles south of Romney on River Road. Is inside our 60 dbu contour, but well-outside our 115 dbu blanketing contour. Interference to the audio and video portion of TV channel 6. Recommended placement of quality FM trap. Did not help TVI problem. The antenna system includes a high gain antenna, booster amplifiers, and 100's of feet of lead-in. Phone number 822-5493.

Dec. 7, 1994            JAMES HIPPS, PO Box 418, Romney, WV. 26757. Located about five miles south of Romney on River Road. Well outside of our 115 dbu blanketing contour. Recommended a quality FM trap. Unsure of type of recieving equipment being used. Is experiencing interference to the audio of TV channel 6. Phone number 822-3440.

Mar. 14, 1995            CLARENCE GANOE, HC79, Box 17A, Romney, WV. 26757. Located about three miles from Romney on Grassy Lick Road or Sand Hill Road. Is experiencing interference to the audio of TV channel 6. Unsure of type of recieving equipment being used. Is well-outside of our 115 dbu blanketing contour. Recemmeded a quality FM trap. Phone number 822-????.

## WVSDB receive grant monies

Editor:

West Virginia Schools for the Deaf and the Blind have just been notified of the approval of a \$320,000 grant from the School Building Authority to construct four elevators. This grant is part of the 3% set-aside funds for state-related school projects. These elevators will make all areas normally used by students accessible. This project represents a major effort on the part of the staff to meet the requirements for accessibility as specified in the American with Disabilities Act.

Sincere appreciation goes to the Legislature in general and to Delegate Jerry Mezzatesta specifically for helping acquire needed funds for projects such as this. We also wish to express our thanks to the State Board of Education and the School Building Authority for their approval of this special project.

Max D Carpenter, Superintendent WVSD&B

## Air-waves competition

Editor:

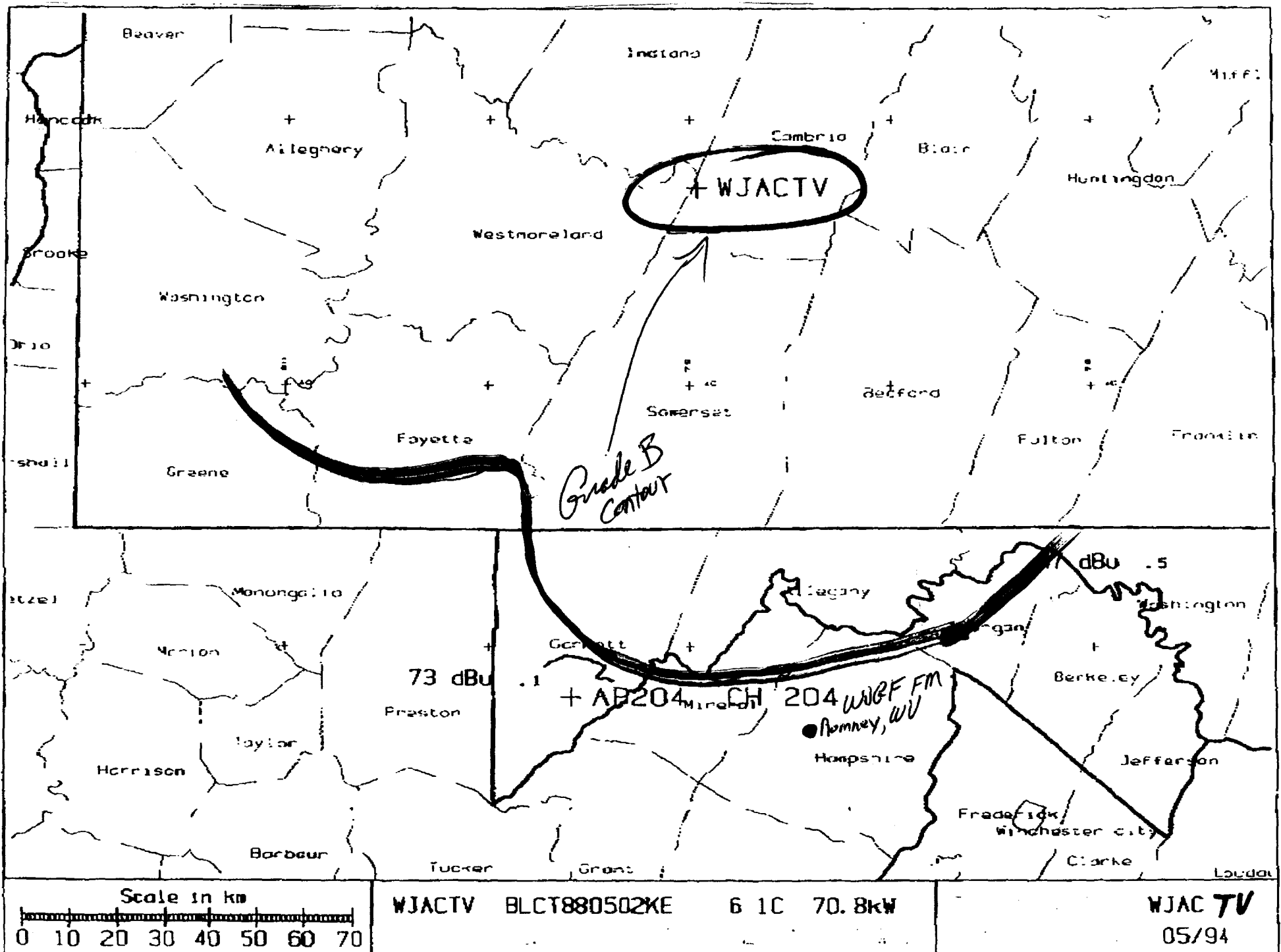
Recently I received in the mail a newsletter listing local happenings. It asked, "How many of you know there is a radio station at the West Virginia School for the Blind?" I would like to answer a resounding: Oh, yes indeed! I know of that radio station, as do several other tax paying citizens in this area. Since August of 1993 the daily radio broadcasts of Mr. George Parks have come through loud and clear — over my television set until 8 p.m., making it impossible for me to access television news and shows.

In trying to remedy this situation I tried installing a variety of filters, none of which helped, and eventually invested over \$100.00 in a new antenna, still with no improvement.

At that point I began to negotiate with the people in power. I have contacted Superintendent Max Carpenter, Delegate Jerry Mezzatesta, the state director of Special Education, the state superintendent, and the FCC; all with no positive results. I was told that the radio station had applied for a new frequency. Another citizen was informed that this new frequency should be in place in April 1995. As of yet, there has been no improvement.

I always look forward to the times when school is out of session for home goings and summer so that I can watch the news and evening television programs I enjoy. Now this newsletter informs me that the station will run its tourism broadcasts all summer long! I understand that this is considered a community service, but I think it would be more beneficial to the community if WWSB would rectify this problem, and as a result, restore good faith with the citizens who have lived with this imposition for over 2 years.

Nellie Kuykendall, Romney





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ENGINEERING STATEMENT  
PETITION FOR RECONSIDERATION OF  
REPORT & ORDER, MM DOCKET 94-137  
TO CHANGE THE FM ASSIGNMENT OF  
WJGF, ROMNEY, WEST VIRGINIA

JULY 1995

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## **ENGINEERING STATEMENT**

**This engineering statement and attached figures have been prepared on behalf of the West Virginia Schools for the Deaf and the Blind, licensee of Non-Commercial Educational Broadcast Station WJGF(FM) in Romney, West Virginia, by B. Benjamin Evans of Evans Associates, Consulting Communications Engineers in Thiensville, Wisconsin. This exhibit supports a Petition for Reconsideration of MM Docket 94-137, which proposed to specify FM Channel 281A at Romney, West Virginia, and modify the license of WJGF to specify Channel 281A instead of Channel 201A which is its present operating channel.**

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**WJGF presently operates on Channel 201A at Romney, West Virginia, with 110 watts effective radiated power. Evans Associates had been retained by the West Virginia Schools for the Deaf and the Blind to prepare the engineering portion of a Petition for Rule Making to assign FM Channel 281A to Romney, to delete Channel 201A, and to modify the license of WJGF to specify operation on Channel 281A.**

**On November 21, 1994, the Commission adopted a proposed rulemaking (MM Docket 94-137) to assign Channel 281A in lieu of Channel 201A at Romney, and to modify the license of WJGF accordingly. On June 15, 1995, the Commission, in a complete turn-around from their earlier opinion that the proposal had sufficient merit, denied the petition because, in the opinion of the Commission, the proposal did "not meet the criteria for reservation of the channel for noncommercial educational use."**

**The West Virginia Schools hereby PETITIONS FOR RECONSIDERATION of the Commission's action on this proceeding. We believe that the Commission had been presented with sufficient justification to reserve a channel in the commercial FM band for WJGF, and that the petitioner had not been given fair consideration during this proceeding.**

**WJGF formerly operated on Channel 209, until it moved to Channel 201 in order to accommodate an application by West Virginia Educational Broadcasting for a new NCE-FM Class B station on Channel 208 in Petersburg, West Virginia (FCC File No. BPED-940317MG). The operation on Channel 201, however, has generated numerous complaints of actual destructive interference to the reception of TV Channel 6 station WJAC-TV in Johnstown, Pennsylvania. Therefore, it is imperative that WJGF move to another available frequency immediately.**

It should be noted here that the Commission recently conducted an inspection of WJGF, and has concluded that the station is operating in complete compliance with all applicable FCC rules and regulations.

A substantial record of interference complaints from WJAC-TV Channel 6 viewers, in the form of both letters and telephone calls, has been established, beginning at the time WJGF moved to Channel 201A. Documentation of such complaints is attached hereto.

A frequency search was conducted by this engineer of the reserved educational FM frequencies (Channels 201 through 220). Based on this search, there were no other frequencies in this part of the FM band available for FCC application in Romney at WJGF's present operating facilities under current FCC technical criteria. Thus, a new frequency for WJGF would have to be on the commercial band.

As a result of the frequency search of the commercial band, conducted by this engineer, it had been determined that Channel 281A may be assigned to Romney, West Virginia as a "drop-in" without affecting any existing or proposed FM assignments. The West Virginia Schools then proceeded to petition the Commission to reserve Channel 281A for operation by WJGF. Understandably, there was concern that if the channel were made available for commercial operation, competing applications might be filed, in which case a grant would take years due to the current freeze on comparative hearings. Since WJGF was presently causing actual interference to TV Channel 6 on their present channel, it was believed that the Commission would have adequate justification to reserve a commercial channel for WJGF.

However, more interested in adhering to unusually-strict allotment criteria than providing relief to a beleaguered station, the Commission decided that the proposal did not meet the criteria for reserving a commercial channel, simply because there were channels on the educational band that were not precluded by potential interference to Channel 6 station WJAC-TV or by foreign allotments. None of these potential channels, however, are ~~not~~ available because they do not meet the requirements of Section 73.509 with respect to other domestic stations. In this writer's opinion, when an existing station needs to move to another frequency due to interference to another broadcast service, and all of the frequencies normally set aside for such stations are precluded by other stations or allotments, it should not matter what types of stations or allotments preclude those reserved frequencies.

Setting aside the question of whether or not the Commission's reasoning is defensible, the Commission should have proposed on its own, in the Notice of Proposed Rule Making, to assign Channel 281A as a commercial channel, a fact which they themselves acknowledged in their Report and Order in this proceeding. West Virginia Schools, of




course, would have consented to the commercial assignment of Channel 281A at Romney, had they been told much earlier in the proceeding that they did not qualify for a reserved channel on the commercial band. However, because of the Commission's belated policy "correction", West Virginia Schools was unfairly excluded from that opportunity.

West Virginia Schools has been unfairly and seriously set back by the Commission's decision in this case. The rule making proceeding took nine months to conclude, much longer than usual, due to the Commission never receiving the West Virginia Schools' first timely-filed reaffirmation letter (another reaffirmation letter had to be sent almost two months after the comment period). West Virginia Schools cannot be expected to shoulder the burden of another nine-month delay in resolving the interference to Channel 6, which is surely in the public interest.

Therefore, it is requested that the Commission reconsider their earlier decision, and assign Channel 281A to Romney, West Virginia, and modify the license of WJGF accordingly. If, indeed, the assignment cannot be made on a reserved non-commercial basis, then it is requested that Channel 281A be assigned to Romney as a commercial channel.

If, at the discretion of the Commission, this proposal requires a new rule making, then it is respectfully requested that the above request be treated as a new petition for rule making to assign Channel 281A to Romney, West Virginia.

Respectfully submitted,



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**B. Benjamin Evans**  
for West Virginia Schools for the Deaf & Blind

July 6, 1995